

1 AN ACT concerning local government.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Counties Code is amended by changing
5 Sections 5-1041 and 5-1042 as follows:

6 (55 ILCS 5/5-1041) (from Ch. 34, par. 5-1041)

7 Sec. 5-1041. Maps, plats and subdivisions. A county
8 board may prescribe, by resolution or ordinance, reasonable
9 rules and regulations governing the location, width and
10 course of streets and highways and of floodplain, stormwater
11 and floodwater runoff channels and basins, and the provision
12 of necessary public grounds for schools, public libraries,
13 fire protection districts, township fire departments, parks
14 or playgrounds, in any map, plat or subdivision of any block,
15 lot or sub-lot or any part thereof or any piece or parcel of
16 land, not being within any city, village or incorporated
17 town. The rules and regulations may include such reasonable
18 requirements with respect to water supply and sewage
19 collection and treatment as may be established by the
20 Environmental Protection Agency, and such reasonable
21 requirements with respect to floodplain and stormwater
22 management as may be established by the County Stormwater
23 Management Committee established under Section 5-1062 of this
24 Code, and such reasonable requirements with respect to street
25 drainage and surfacing as may be established by the county
26 engineer or superintendent of highways and which by
27 resolution shall be deemed to be the minimum requirements in
28 the interest of the health, safety, education and convenience
29 of the public of the county; and may provide by resolution
30 that the map, plat or subdivision shall be submitted to the
31 county board or to some officer to be designated by the

1 county board for their or his approval. The county board
2 shall have a qualified engineer make an estimate of the
3 probable expenditures necessary to enable any person to
4 conform with the standards of construction established by the
5 board pursuant to the provisions of this Section. Except as
6 provided in Section 3 of the Public Construction Bond Act,
7 each person who seeks the county board's approval of a map,
8 plat or subdivision shall post a good and sufficient cash
9 bond, irrevocable letter of credit, surety bond, or other
10 adequate security with the county clerk, in a penal sum
11 sufficient to cover the estimate of expenditures made by the
12 estimating engineer. The cash bond, irrevocable letter of
13 credit, surety bond, or other adequate security shall be
14 conditioned upon faithful adherence to the rules and
15 regulations of the county board promulgated pursuant to the
16 authorization granted to it by this Section or by Section
17 5-1062 of this Code, and in such cases no such map, plat or
18 subdivision shall be entitled to record in the proper county
19 or have any validity until it has been so approved. If the
20 county board requires a cash bond, letter of credit, surety,
21 or any other method to cover the costs and expenses and to
22 insure completion of the requirements, the requirements shall
23 be subject to the provisions of Section 5-1123 of this Code.
24 This Section is subject to the provisions of Section 5-1123.

25 The county board may, by resolution, provide a schedule
26 of fees sufficient to reimburse the county for the costs
27 incurred in reviewing such maps, plats and subdivisions
28 submitted for approval to the county board. The fees
29 authorized by this Section are to be paid into the general
30 corporate fund of the county by the party desiring to have
31 the plat approved.

32 For purposes of implementing ordinances regarding
33 developer donations or impact fees and only for the purpose
34 of expenditures thereof, "public grounds for schools" is

1 defined as including land or site improvements, which include
2 school buildings or other infrastructure necessitated and
3 specifically and uniquely attributable to the development or
4 subdivision in question. This amendatory Act of the 93rd
5 General Assembly applies to all impact fees or developer
6 donations paid into a school district or held in a separate
7 account or escrow fund by any school district or county for a
8 school district.

9 For purposes of implementing ordinances regarding
10 developer donations or impact fees and only for the purpose
11 of expenditures thereof, "public libraries" is defined as
12 including land or site improvements, including library
13 buildings or other infrastructure necessitated by and
14 specifically and uniquely attributable to the development or
15 subdivision in question. This amendatory Act of the 93rd
16 General Assembly applies to all impact fees or developer
17 donations paid into a public library or library district or
18 held in a separate account or escrow fund by any public
19 library or library district or county for a public library or
20 library district.

21 For purposes of implementing ordinances regarding
22 developer donations or impact fees and only for the purpose
23 of expenditures thereof, "fire protection districts" is
24 defined as including land or site improvements, including
25 fire protection district buildings or other infrastructure
26 necessitated by and specifically and uniquely attributable to
27 the development or subdivision in question. This amendatory
28 Act of the 93rd General Assembly applies to all impact fees
29 or developer donations paid into a fire protection district
30 or held in a separate account or escrow fund by any fire
31 protection district or county for a fire protection district.

32 For purposes of implementing ordinances regarding
33 developer donations or impact fees and only for the purpose
34 of expenditures thereof, "township fire departments" is

1 defined as including land or site improvements, including
2 township fire department buildings or other infrastructure
3 necessitated by and specifically and uniquely attributable to
4 the development or subdivision in question. This amendatory
5 Act of the 93rd General Assembly applies to all impact fees
6 or developer donations paid into a township fire department
7 or held in a separate account or escrow fund by any township
8 fire department or county for a township fire department.

9 No officer designated by a county board for the approval
10 of plats shall engage in the business of surveying, and no
11 map, plat or subdivision shall be received for record or have
12 any validity which has been prepared by or under the
13 direction of such plat officer.

14 It is the intention of this amendatory Act of 1990 to
15 repeal the language added to Section 25.09 of "An Act to
16 revise the law in relation to counties", approved March 31,
17 1874, by P.A. 86-614, Section 25.09 of that Act being the
18 predecessor of this Section.

19 (Source: P.A. 92-479, eff. 1-1-02; 93-330, eff. 7-24-03.)

20 (55 ILCS 5/5-1042) (from Ch. 34, par. 5-1042)

21 Sec. 5-1042. Maps, plats and subdivisions in certain
22 counties. In any county with a population not in excess of
23 500,000 located in the area served by the Northeastern
24 Illinois Metropolitan Planning Commission, a county board may
25 establish by ordinance or resolution of record reasonable
26 rules and regulations governing the location, width and
27 course of streets and highways, and the provision of public
28 grounds for schools, public libraries, fire protection
29 districts, township fire departments, parks or playgrounds,
30 in any map, plat or subdivision of any block, lot or sub-lot
31 or any part thereof or any piece or parcel of land in the
32 county, not being within any city, village or incorporated
33 town in the county which rules and regulations may include

1 such reasonable requirements with respect to water supply and
2 sewage collection and treatment, and such reasonable
3 requirements with respect to street drainage and surfacing,
4 as may be established by the county board as minimum
5 requirements in the interest of the health, safety and
6 convenience of the public of the county; and may require by
7 ordinance or resolution of record that any map, plat or
8 subdivision shall be submitted to the county board or some
9 officer to be designated by the county board for its or his
10 approval in the manner provided in Section 5-1041, and to
11 require bonds and charge fees as provided in Section 5-1041.
12 This Section is subject to the provisions of Section 5-1123.

13 For purposes of implementing ordinances regarding
14 developer donations or impact fees and only for the purpose
15 of expenditures thereof, "public grounds for schools" is
16 defined as including land or site improvements, which include
17 school buildings or other infrastructure necessitated and
18 specifically and uniquely attributable to the development or
19 subdivision in question. This amendatory Act of the 93rd
20 General Assembly applies to all impact fees or developer
21 donations paid into a school district or held in a separate
22 account or escrow fund by any school district or county for a
23 school district.

24 For purposes of implementing ordinances regarding
25 developer donations or impact fees and only for the purpose
26 of expenditures thereof, "public libraries" is defined as
27 including land or site improvements, including library
28 buildings or other infrastructure necessitated by and
29 specifically and uniquely attributable to the development or
30 subdivision in question. This amendatory Act of the 93rd
31 General Assembly applies to all impact fees or developer
32 donations paid into a public library or library district or
33 held in a separate account or escrow fund by any public
34 library or library district or county for a public library or

1 library district.

2 For purposes of implementing ordinances regarding
3 developer donations or impact fees and only for the purpose
4 of expenditures thereof, "fire protection districts" is
5 defined as including land or site improvements, including
6 fire protection district buildings or other infrastructure
7 necessitated by and specifically and uniquely attributable to
8 the development or subdivision in question. This amendatory
9 Act of the 93rd General Assembly applies to all impact fees
10 or developer donations paid into a fire protection district
11 or held in a separate account or escrow fund by any fire
12 protection district or county for a fire protection district.

13 For purposes of implementing ordinances regarding
14 developer donations or impact fees and only for the purpose
15 of expenditures thereof, "township fire departments" is
16 defined as including land or site improvements, including
17 township fire department buildings or other infrastructure
18 necessitated by and specifically and uniquely attributable to
19 the development or subdivision in question. This amendatory
20 Act of the 93rd General Assembly applies to all impact fees
21 or developer donations paid into a township fire department
22 or held in a separate account or escrow fund by any township
23 fire department or county for a township fire department.

24 (Source: P.A. 93-330, eff. 7-24-03.)

25 Section 10. The Illinois Municipal Code is amended by
26 changing Section 11-12-5 as follows:

27 (65 ILCS 5/11-12-5) (from Ch. 24, par. 11-12-5)

28 Sec. 11-12-5. Every plan commission and planning
29 department authorized by this division 12 has the following
30 powers and whenever in this division 12 the term plan
31 commission is used such term shall be deemed to include the
32 term planning department:

1 (1) To prepare and recommend to the corporate
2 authorities a comprehensive plan for the present and future
3 development or redevelopment of the municipality. Such plan
4 may be adopted in whole or in separate geographical or
5 functional parts, each of which, when adopted, shall be the
6 official comprehensive plan, or part thereof, of that
7 municipality. This plan may include reasonable requirements
8 with reference to streets, alleys, public grounds, and other
9 improvements hereinafter specified. The plan, as recommended
10 by the plan commission and as thereafter adopted in any
11 municipality in this state, may be made applicable, by the
12 terms thereof, to land situated within the corporate limits
13 and contiguous territory not more than one and one-half miles
14 beyond the corporate limits and not included in any
15 municipality. Such plan may be implemented by ordinances (a)
16 establishing reasonable standards of design for subdivisions
17 and for resubdivisions of unimproved land and of areas
18 subject to redevelopment in respect to public improvements as
19 herein defined; (b) establishing reasonable requirements
20 governing the location, width, course, and surfacing of
21 public streets and highways, alleys, ways for public service
22 facilities, curbs, gutters, sidewalks, street lights, parks,
23 playgrounds, school grounds, public libraries, fire
24 protection districts, township fire departments, size of lots
25 to be used for residential purposes, storm water drainage,
26 water supply and distribution, sanitary sewers, and sewage
27 collection and treatment; and (c) may designate land suitable
28 for annexation to the municipality and the recommended zoning
29 classification for such land upon annexation.

30 (2) To recommend changes, from time to time, in the
31 official comprehensive plan.

32 (3) To prepare and recommend to the corporate
33 authorities, from time to time, plans for specific
34 improvements in pursuance of the official comprehensive plan.

1 (4) To give aid to the municipal officials charged with
2 the direction of projects for improvements embraced within
3 the official plan, to further the making of these projects,
4 and, generally, to promote the realization of the official
5 comprehensive plan.

6 (5) To prepare and recommend to the corporate
7 authorities schemes for regulating or forbidding structures
8 or activities which may hinder access to solar energy
9 necessary for the proper functioning of solar energy systems,
10 as defined in Section 1.2 of The Comprehensive Solar Energy
11 Act of 1977, or to recommend changes in such schemes.

12 (6) To exercise such other powers germane to the powers
13 granted by this article as may be conferred by the corporate
14 authorities.

15 (7) For purposes of implementing ordinances regarding
16 developer donations or impact fees, and specifically for
17 expenditures thereof, "school grounds" is defined as
18 including land or site improvements, which include school
19 buildings or other infrastructure necessitated and
20 specifically and uniquely attributed to the development or
21 subdivision in question. This amendatory Act of the 93rd
22 General Assembly applies to all impact fees or developer
23 donations paid into a school district or held in a separate
24 account or escrow fund by any school district or municipality
25 for a school district.

26 (8) For purposes of implementing ordinances regarding
27 developer donations or impact fees and only for the purpose
28 of expenditures thereof, "public libraries" is defined as
29 including land or site improvements, including library
30 buildings or other infrastructure necessitated by and
31 specifically and uniquely attributable to the development or
32 subdivision in question. This amendatory Act of the 93rd
33 General Assembly applies to all impact fees or developer
34 donations paid into a public library or library district or

1 held in a separate account or escrow fund by any public
2 library or library district or municipality for a public
3 library or library district.

4 (9) For purposes of implementing ordinances regarding
5 developer donations or impact fees and only for the purpose
6 of expenditures thereof, "fire protection districts" is
7 defined as including land or site improvements, including
8 fire protection district buildings or other infrastructure
9 necessitated by and specifically and uniquely attributable to
10 the development or subdivision in question. This amendatory
11 Act of the 93rd General Assembly applies to all impact fees
12 or developer donations paid into a fire protection district
13 or held in a separate account or escrow fund by any fire
14 protection district or municipality for a fire protection
15 district.

16 (10) For purposes of implementing ordinances regarding
17 developer donations or impact fees and only for the purpose
18 of expenditures thereof, "township fire departments" is
19 defined as including land or site improvements, including
20 township fire department buildings or other infrastructure
21 necessitated by and specifically and uniquely attributable to
22 the development or subdivision in question. This amendatory
23 Act of the 93rd General Assembly applies to all impact fees
24 or developer donations paid into a township fire department
25 or held in a separate account or escrow fund by any township
26 fire department or municipality for a township fire
27 department.

28 (Source: P.A. 93-330, eff. 7-24-03.)

29 Section 99. Effective date. This Act takes effect upon
30 becoming law.